REMARKS

Claims 1-28 are pending in the present application and all of the claims have been rejected. Claims 1-4, 7, 9-10, 12-15, 17-20, 22 and 25-26 have been amended. The Applicant responds to the issues raised in the non-final Office Action mailed on October 7, 2009 as follows:

Abstract

The Examiner has objected to the format and language of the Abstract. The Applicants have amended the Abstract to correct these errors.

Claim Rejections -- 35 USC § 112

Claims 1-28 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-3 have been rejected based on a finding that the recitation of the limitation "being capable of establishing a contrast on a scale identified as global at the level of the document" in claim 1 and the phrase "established on said detail scale" in claim 2 and 3 are unclear and the meanings of the claim limitations are not explained in the specification. The Applicants have amended claims to replace the phrase "a contrast on a scale identified as global" with "macro-contrast" and the phrase "established on said detail scale" with "micro-contrast scale." Support for this amendment is found at page 2, line 29 and page 8, lines 28-31 of the specification. The terms "macro-contrast" and "micro-contrast" are well known in the art and refer to contrasts on an overall level and on a fine detail level, respectively. See "The Final Link in the Imaging Chain" by Ray Knight, the relevant pages are attached hereto as Exhibit A.

The Examiner has found that the terms "generally", "recognizable", "purely", "sufficiently" and "immediately" in claims 1, 4, 7, 9, 10, 12-15, 17-21, 25 and 26 have been found to be relative terms which render the claims indefinite. The claims have been amended to delete the terms "generally," "recognizable," "sufficiently" and "immediately." The term "purely" has not been deleted because the phrase "purely reflective" has an accepted meaning in the art and one of ordinary skill would know that the term refers to a surface, such as a mirror, that reflects substantially all light. Attached hereto as Exhibit B is an excerpt from a book titled, "Microoptics" by Stefan Sinzinger and Jurgen Jahns, which discloses at page 7 that: "examples [of purely reflective elements] are telescope mirrors or spectroscopic components."

Claim 9 has been amended to delete the terms "sufficiently small" and "immediately." Amended claim 9 now reads:

> A document safeguard strip according to claim 8, wherein at least some of said zones are of a dimension as to not be perceptible to the naked eye.

One of ordinary skill in the art would understand that the smallest object that can be viewed by the unassisted human eye at a normal viewing distance of 25 cm is approximately one-tenth of a millimeter (i.e., 0.1 mm or 100 μm). The book "Optics" by F. W. Sears of Massachusetts Institute of Technology, Addison-Wesley Publishing Co., 1958, discloses, in a section titled "Limit of resolution of the eye," that the distance (z) between "two just resolvable object points at the minimum distance of distinct vision . . . is about 1/10 mm." (A copy of the relevant section (pages 260-61) is attached as Exhibit C.) See also "Resolving Power Line" on the Nobelprize.org website which shows the resolving power of the human eye to be 0.1 mm (copies of the web page and an

enlarged chart are attached as Exhibit D) and the article titled "The Electron Microscope in Biology" (page 2 under the heading "Resolving Power") at the Ahmanson Center for Advanced Electron Microscopy and Imaging on the House Ear Institute website (a copy is attached as Exhibit E).

Claims 2, 3, 5, 6, 8, 11, 16, 22-24, 27 and 28 have been rejected for depending on rejected claim 1. Applicants submit that the amendments to claim 1 have overcome the rejections and dependent claims 2, 3, 5, 6, 8, 11, 16, 22-24, 27 and 28 are no longer indefinite.

The Examiner has found that the phrase "said optically active structures" in claim 7 has insufficient antecedent basis. The Applicants have amended claim 7 so that it depends on claim 5, which has proper antecedent basis for the phrase "said optically active structures" in claim 7.

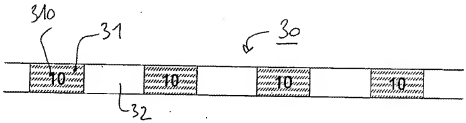
Claim Rejections -- 35 USC § 102

Claims 1-28 have been rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent Application Publication No. US 2003/0058491 to Holmes et al. ("Holmes"). Holmes discloses an optically variable security device that includes a thin film reflection filter structure, which exhibits a first optically variable effect, and a relief structure on or in the thin film reflection filter structure, which exhibits a second optically variable effect.

Amended claim 1 requires a strip (30) for safeguarding a document that includes alternating metallised regions (31) and transparent regions (32) that extend between the opposing surfaces of the strip and that are capable of establishing a macro-contrast on the document. In addition, the metallised regions (31) and/or the transparent regions (32) have optically active elements for

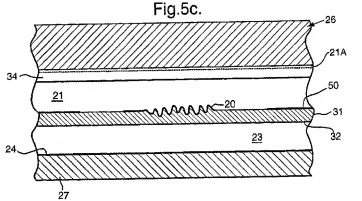
identifying the document that produce an optical effect on a less than macro-contrast scale. FIG. 3 is reproduced below and illustrates the strip in amended claim 1.

FIG. 3



In paragraph 12 on page 5 of the Office Action, the Examiner identifies the transparent regions in the strip taught by Holmes as the discontinuous portions of metal layer 50. ("Holmes recites that the transparent regions (i.e., the regions located between 20 and 50 in Figure 5c) are associated with a varnish coating." FIG. 5c of Holmes is reproduced on the right and it shows that the discontinuous transparent regions are limited to the discontinuous portions of layer 50. Holmes teaches that the strip in FIG. 5c includes "a thin metal layer 32…a thin reflection filter layer 23 and an opaque metal layer 24" –all of which are shown in FIG. 5c as continuous layers – in addition to discontinuous metal layer 50. See paragraphs [0050] and [0052] of Holmes. Therefore, the discontinuous, transparent portions of metal layer 50 do not extend between the opposing surfaces of the strip as required by amended claim 1. If the strip taught by Holmes was viewed from one of its surfaces, it would not appear to be transparent because of the continuous non-transparent layers.

Fig.5c.



One of ordinary skill in the art would understand that strip taught by Holmes includes continuous, non-transparent layers --thin metal layer 32, reflection filter layer 23 and opaque metal layer 24-- and that the transparent regions in Holmes do not extend between the opposing surfaces of the strip. Accordingly, the strips taught by Holmes do not form an alteration of metallised regions and transparent regions and do not anticipate amended claim 1. Moreover, since amended claim 1 is not anticipated by Holmes, dependent claims 2-28 are also not anticipated by Holmes.

Conclusion

The Applicants submit that the amendments and arguments made herein have distinguished the cited prior art from the amended claims and respectfully request that the rejections be withdrawn and the claims be allowed.

If there are any further concerns regarding the above-identified application, it is respectfully requested that the Examiner contact the Applicants' attorney at the telephone number provided below.

Respectfully submitted,

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